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18 July 1994
Date

Regina Buckhouse
Signature

F.G.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Ravindra K. PANDEY et al.

U.S. Patent No.: 5,314,905

Serial No.: 07/973,174

Patented: 24 May 1994

Filed: 9 November 1992

For: PYROPHEOPHORBIDE CONJUGATES AND
THEIR USE IN PHOTODYNAMIC THERAPY
(As Amended)

Group Art Unit: 1209

Examiner: R. Raymond

Batch No.: S67

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CERTIFICATE
CORRECTION BRANCH
PATENT & TRADEMARK OFF.

REQUEST FOR CERTIFICATE OF CORRECTION
UNDER 37 CFR 1.323

The Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

Patentees request that a Certificate of Correction be issued for the above-identified issued patent. The correction being requested is based on a mistake that occurred in good faith.

In all occurrences of the text immediately following the structural formula II, R₇ should be the three-carbon substituent "-CH₂CH₂CO₂R₈", rather than "-CO₂R₈". The text immediately following Formula II to be corrected occurs at column 2, line 55; column 5, line 22; claim 9 at column 16, line 27; and claim 18 at column 18, line 3 of the issued patent.

Attached in support of this correction is a copy of each of the following documents:


As a second correction, in the structural formula IIa, which occurs at column 6, lines 10-24, "-CO₂H" should be changed to the three-carbon substituent "-CH₂CH₂CO₂H". In addition to the above information and attachments, it should be noted that the synthesis of a compound of formula IIa described at column 6, line 25 through column 7, line 54, would inevitably result in a compound having a "-CH₂CH₂CO₂H" substituent, rather than a "-CO₂H" substituent.

Since the above-described errors are based on a mistake that occurred in good faith during the preparation and prosecution of this case, Patentees request that a Certificate of Correction be issued under 37 CFR 1.323. A check in the amount of \$100.00 to cover the fee for a Certificate of Correction is enclosed. Please charge any other fees due in connection with the filing of this paper to our Deposit Account No. 03-1952. Acceptance of this Certificate of Correction is respectfully requested.

Attached in duplicate according to the procedure set in 826 O.G. 2 is the completed form provided by the U.S. Patent and Trademark Office.

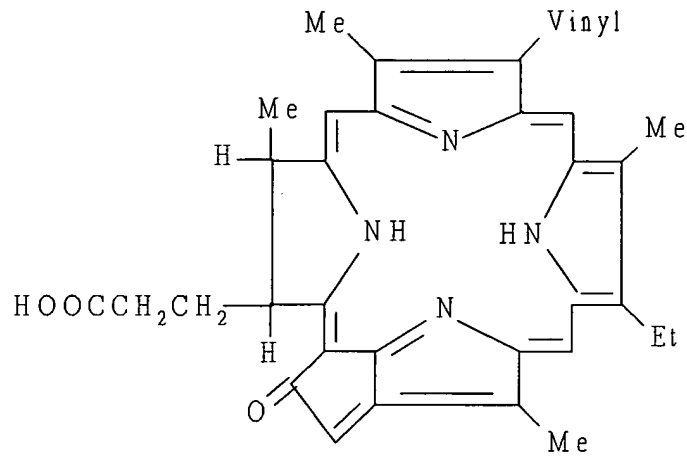
Respectfully submitted,

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- (1) the first six columns of Bommer et al., U.S. Patent No. 4,675,338, showing "pyropheophorbide a" to have the following structure with a propionic acid substituent adjacent to the fused keto-group-containing ring:



- (2) page 4950 from J. Am. Chem. Soc., 107 (1985), showing "methyl pyropheophorbide" as having a propionic acid ester substituent adjacent to a fused keto-group-containing ring;
- (3) the claims of Pandey et al., U.S. Patent No. 5,093,349 (the parent of this continuation-in-part application), which are directed to a structure having a three-carbon carboxyl group adjacent to the fused keto-group-containing ring; and
- (4) a memo from one of the co-inventors, Dr. Thomas J. Dougherty, dated 13 April 1994, which indicates that portions of the present structure claimed are incorrect and should be corrected, e.g., that the R group adjacent the fused keto-group-containing ring should be a three-carbon carboxyl group.